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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.4539 OF 2006
IN
FIRST APPEAL NO. 2201 OF 2007

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's Order	Court's or Judge's Order

Mr. Vijay D. Patil for the appellant
Mr.D.B.Lonkar for the respondent

CORAM : ANOOP V.MOHTA, J.
DATE : 1ST NOVEMBER, 2007.

P.C. :-

. This is plaintiff's application for stay.

2. The basic dispute is about the interest on the principal amount which was already paid. The

respondent/plaintiff is claiming 18 % interest. The proceedings under the Negotiable Instrument Act had already resulted in conviction of the appellant for the said default. The transaction appeared to be of a friendly loan. The appeal is already admitted.

3. Considering the averments made, I am of the view that 9 % interest should serve the purpose. The matter was infact adjourned for settlement but invain. However, taking all at this stage of the proceedings, I am of the view that the appellant should deposit 1.15 (one lakh fifteen thousand) within six weeks. This is a condition precedent for an ad interim

relief in terms of prayer clause (a) pending the hearing. The civil application is accordingly disposed of with liberty to apply the respondent/plaintiff for withdrawal.

(ANOOP V. MOHTA, J.)